IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 12369 of 2003(V)

PETITIONER:

GEORGE M.NINAN, DIRECTOR CEATS(P) LTD,
HOUSE NO. C.C.32/1744, PALARIVATTOM
VENNALA P.O., COCHIN - 682 025.

BY ADV. SRI.V.K.VISWAMBHARAN
SRI.K.K.APPU

RESPONDENTS:

1. **STATE BANK OF TRAVANCORE,**
   M.G.ROAD, ERNAKULAM.

2. **RECOVERY OFFICER,**
   O/O THE RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL, ERNAKULAM.

3. **DEBT RECOVERY TRIBUNAL,**
   (KERALA & LAKSHADWEEP) 8TH FLOOR,
   KSHB BUILDING, ERNAKULAM.

4. **RAGEE POTHEN THOMAS,**
   SAROMA KAYYALATH SOUTH LANES,
   N.C.C.ROAD, AMBALAMUKKU, THIRUVANANTHAPURAM.

5. **REGINA ELEZABETH THOMAS,**
   -DO- -DO-

6. **MOLENA SUZAN THOMAS,**
   -DO- -DO-

7. **M/S.CONSTRUCTION ENGINEERS & ALLIED**
   TECHNICAL SERVICES (P) LTD, PANAVILA JN.
   THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING
   DIRECTOR, P.THOMAS, S/O.E.E.POTHEN, KAYYALATH,
   SOUTHI LANE, N.C.C.ROAD, AMBALAMUKKU,
   THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA, SC, SBT for R1
SRI.BECHU KURIAN THOMAS for R6

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007 ALONG WITH O.P.NO.10201 OF 2003,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.12369/2003 V

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT AND DECREE OF T.A.1204/97 DTD. 15TH FEBRUARY, 2001.

EXT.P2: COPY OF THE COMPROMISE STATEMENT DTD. 7TH JUNE, 2000.

EXT.P3: COPY OF THE ORDER OF THE RECOVERY OFFICER DTD. 3RD MARCH, 2003 IN T.A.1204/97.

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A): COPY OF THE REVIEW PETITION NO.1/01 FILED BY THE RESPONDENT BEFORE THE DEBT RECOVERY TRIBUNAL DTD. 14/05/2001.

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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O.P.No.12369 of 2003

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Dated: 21st June, 2007

JUDGMENT

The issue involved in this case is essentially between the petitioner and the 1st respondent-Bank. Since both of them are before me the Original Petition need not be treated as defective.

2. Heard Mr.K.R.Appu, counsel for the petitioner. I do not think that this court sitting in supervisory jurisdiction under Article 227 of the Constitution will be justified in interfering with the order passed by the Debts Recovery Tribunal on the Review Petition filed by the respondents 4, 5 and 6. It is open to the petitioner to avail his statutory remedies before the D.R.Appeallate Tribunal. Giving the petitioner that liberty, the Original Petition is closed.

srd **PIUS C.KURIAKOSE, JUDGE**